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TO UN SECURITY COUNCIL COLLECTIVE IMMEDIATE
RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 2371
INFO SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE IMMEDIATE
RUEHSB/AMEMBASSY HARARE IMMEDIATE 2709

C O N F I D E N T I A L SECTION 01 OF 06 STATE 070882

SIPDIS

E.O. 12958: DECL: 07/01/2018

TAGS: PREL PHUM KDEM UNSC ZI

SUBJECT: URGENT REQUEST FOR DEMARCHE ON UNSC CHAPTER VII
RESOLUTION ON ZIMBABWE

REF: STATE 69693

Classified By: IO DAS Brian Hook, REASONS: 1.4 (B) AND (D)

¶1. (C) Action Requests:

(1) Action addressees in UNSC capitals should pass the text of the draft UN Security Council resolution and annex on Zimbabwe in para 5 below to their host governments. Action addressees are requested to demarche host governments at an appropriately senior level, as soon as possible, to urge strong support for the draft resolution, drawing on the talking points in para 3 below. Action addressees in London, Paris, Brussels, Zagreb, and Rome should note that the revised draft resolution incorporates comments their missions provided to USUN during the experts-level meetings in New York.

(2) USUN is instructed to table the draft resolution and annex during informal consultations of the Security Council on July 2, unless agreement among the P3 has not been reached. However, irrespective of P3 agreement, the resolution should be tabled no later than July 3. Department and the NSC are prepared to follow up with high-level phone calls to UNSC capitals following the introduction of the draft resolution on July 2.

End Action Requests.

¶2. (U) Reporting Deadline: Posts are requested to respond as quickly as possible by e-mail or cable slugged for IO/UNP-Rebecca Goldenberg and USUN - Jeffrey DeLaurentis.

¶3. (U) Talking Points:

-- We remain deeply concerned about the situation in Zimbabwe following the illegitimate election on June 27, in which the Mugabe regime used violence and intimidation to force opposition candidate Morgan Tsvangirai (the winner of the March 29 election -- out of the run-off election and to prevent a free and fair election that could reflect the will of the Zimbabwean people.

-- In its June 23 Presidential Statement, the Security Council spoke unanimously when it said it regrets that the campaign of violence and the restrictions on the political opposition have made it impossible for a free and fair election on June 27. The Council also said that any government of Zimbabwe must take account of the interests of all its citizens and that the results of the 29 March 2008 elections must be respected. It further expressed its concern over the impact of the situation in Zimbabwe on the wider region.

-- Despite the Council's clear statement, and despite similar public statements by regional leaders, Mr. Mugabe still proceeded with the sham run off election. Deputy

Secretary General Migiro said at the African Union Summit that Zimbabwe was the 'single greatest challenge to regional stability in Southern Africa.' The Security Council cannot remain silent now. We must continue to speak with one voice on the need for Mr. Mugabe to immediately end the violence and begin a dialogue with the opposition and respect the will of the people, as reflected in the March 29 results. We must also back up our words with concrete measures that will move the regime to end its campaign of violence and act responsibly in the interests of all Zimbabweans, and of neighboring countries.

-- We would like to engage with your mission in New York on a draft Security Council resolution to address the continuing violence, the flawed electoral process, and the growing humanitarian crisis in Zimbabwe that is increasingly destabilizing the region.

-- This draft resolution reiterates the views expressed by the Southern African Development Community, Pan-African Parliament, and African Union Observer missions to Zimbabwe, which concluded that the politically motivated violence, intimidation and displacement in the run up to the June 27 election made it impossible to conduct elections that were free, fair and credible.

-- Our draft resolution demands that the Government of

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Zimbabwe stop all violence, and begin a political dialogue with the opposition aimed at putting in place a solution that respects the results of the March 29 election. It also imposes an arms embargo and provides for an asset freeze and travel ban against designated individuals who are responsible for inciting or committing acts of politically motivated violence.

-- We will table the resolution during informal consultations on July 2 and hope for quick Council action to send the strongest possible signal to Mr. Mugabe on the need to end the violence and begin a serious dialogue with the opposition to end the crisis that threatens Zimbabwe and the region.

14. Draft Resolution on Zimbabwe

The Security Council,

Affirming its commitment to the independence and territorial integrity of Zimbabwe,

Recalling the statement of its President of 23 June 2008 concerning the situation in Zimbabwe (S/PRST/2008/23),

Recalling the AU resolution on Zimbabwe of 1 July 2008 which expressed its concern with the loss of life and violence in Zimbabwe, the need to prevent a worsening of the situation to avoid the spread of the conflict across the sub-region, the need to create an environment conducive for democracy, and encouraged Zimbabwean leaders to initiate dialogue with a view to promoting peace and stability,

Recalling the statements of the Southern African Development Community, Pan-African Parliament, and African Union Observer missions to Zimbabwe on 29 June 2008, which found that the elections fell short of accepted AU standards, did not give rise to free, fair or credible elections, and did not reflect the will of the Zimbabwean people,

Expressing deep concern at the gross irregularities during the June 27 Presidential election, the violence and intimidation perpetrated in the run up to the election that made impossible the holding of free and fair elections, and the creation of an environment that did not permit international election observers to operate freely before and during the June 27 vote,

Expressing strong concern over the grave humanitarian situation in Zimbabwe which has been exacerbated by the Government of Zimbabwe's misuse of food aid as a political tool and its suspension of humanitarian relief programs, in particular the suspension of medical assistance to HIV/AIDS patients, conducted by international and non-governmental organizations,

Expressing strong concern over the impact of this suspension, which is depriving the Zimbabwean people, in particular vulnerable people, including those displaced by violence and children and orphans, of basic humanitarian assistance,

Condemning the continued killing, beating and torture of civilians, sexual violence, and the displacement of thousands of Zimbabweans, many of whom have been driven to take refuge in neighboring countries,

Condemning also the baseless arrests, restrictions on the right of assembly, seizure of vehicles, threats, intimidation and violence directed against supporters of the opposition political party, as well as the repeated detention of its leaders,

Taking note of the statements and expressions of concern by African regional organizations and current and former Heads of State about the impact of the situation in Zimbabwe on the stability of the wider region, and expressing their own grave concern over that impact, calling on the Government of Zimbabwe to postpone the election, and deeming the results of a June 27 to be illegitimate under current conditions,

Recognizing that the destabilizing impact of the situation in Zimbabwe on the wider region is reflected in the burden placed on States in the region by the presence of Zimbabwean economic migrants and refugees,

Recalling its resolution 1809 (2008) on Peace and Security in Africa, and reaffirming its support for Southern African Development Community and African Union efforts to resolve the crisis in Zimbabwe in such a way that reflects the will of the Zimbabwean people as expressed in the March 29

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elections, and calling on the Government of Zimbabwe to cooperate with these efforts,

Reaffirming its support for the good offices mission of the Secretary General, led by Assistant Secretary General Haile Menkerios, and expressing strong support for the continuing efforts of the Secretary General and his representatives,

Determining that the situation in Zimbabwe poses a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

¶1. Condemns the decision of the Government of Zimbabwe to go forward with the June 27 elections given the campaign of violence against the political opposition, which has resulted in scores of deaths, thousands of injuries, and displacement of thousands of civilians, making it impossible for a free and fair election to occur;

¶2. Demands that the Government of Zimbabwe:

(a) Immediately cease attacks against and intimidation of opposition members and supporters, including those by non-government agents affiliated with the ZANU-PF party, and in particular end the abuse of human rights, including widespread beatings, torture, killings, sexual violence, and displacement, and release all political prisoners;

(b) Begin without delay a substantive political dialogue

between the parties with the aim of arriving at a peaceful solution that reflects the will of the Zimbabwean people as expressed in the March 29 elections;

(c) Accept the good offices offered by the African Union, the Southern African Development Community, and the Secretary General, giving such representatives full access to the country, security, and all requested authority over negotiation processes;

(d) Accept responsibility to cooperate fully with investigations of the political violence experienced by the country between March and June, 2008;

(e) End immediately all restrictions on international humanitarian assistance and support international aid organizations' access to all parts of the country for distribution of food, medical assistance, and other humanitarian aid;

¶3. Requests the Secretary General to appoint as soon as possible an individual of international standing and expertise in human rights to serve as a Special Representative of the Secretary General on the situation of human rights in Zimbabwe who would, in this capacity, investigate reports of recent and ongoing human rights violations in Zimbabwe;

¶4. Decides that all Member States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer to Zimbabwe, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of arms or related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned;

¶5. Decides also that all Member States shall also take the necessary measures to prevent any provision to Zimbabwe by their nationals or from their territories of technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services, related to the supply, sale, transfer, manufacture or use of the items specified in paragraph 3 above;

¶6. Decides further that the measures imposed by paragraphs 3 and 4 above shall not apply to:

(a) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training; and

(b) Supplies of protective clothing, including flak jackets and military helmets, for the personal use of United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel;

¶7. Decides that all States shall take the following measures

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with respect to individuals and entities designated in the Annex to this resolution or designated by the Committee as having engaged in or provided support for actions or policies to undermine democratic processes or institutions in Zimbabwe, including having ordered, planned, or participated in acts of politically motivated violence, or as providing support to individuals or entities designated pursuant to this paragraph:

(a) prevent the entry into or transit through their territories of these individuals, provided that nothing in this paragraph shall obligate a State to refuse entry into or require departure from its territory of its own nationals;

(b) freeze without delay all funds, other financial assets and economic resources that are in their territories on the date of adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by these individuals or entities, or that are owned or controlled, directly or indirectly, by entities owned or controlled by them such persons or by individuals or entities acting on their behalf or at their direction, and ensure that no funds, other financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such individuals or entities;

¶8. Decides that the measures imposed by paragraph 7(a) above do not apply where the Committee determines on a case by case basis that such travel is justified on the ground of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would otherwise further the objectives of this resolution;

¶9. Decides that the measures imposed by paragraph 7(b) of this resolution do not apply to funds, other financial assets or economic resources that have been determined by relevant States:

(a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within three working days of such notification;

(b) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(c) to be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, or other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered prior to the date of the present resolution, is not for the benefit of a person or entity designated by the Committee pursuant to paragraph 6 above, and has been notified by the relevant States to the Committee;

¶10. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks:

(a) to seek from all States, in particular those in the region, information regarding the actions taken by them to implement effectively the measures referred to in paragraphs 4, 5 and 7 of this resolution and whatever further information it may consider useful in this regard;

(b) to examine and take appropriate action on information regarding alleged violations of measures imposed by paragraphs 4, 5 and 7 of this resolution;

(c) to designate individuals and entities subject to the measures imposed by paragraph 6 of this resolution;

(d) to consider and decide upon requests for exemptions set out in paragraphs 8 and 9 of this resolution;

(e) to establish guidelines as may be necessary to facilitate the implementation of the measures imposed by this resolution;

(f) to report at least every 90 days to the Security Council on its work and on the implementation of this resolution, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed in this resolution;

(g) to assess reports from the Panel of Experts established pursuant to paragraph 10 below, and from Member States on specific steps they are taking to implement the measures imposed by paragraphs 4, 5 and 7 above;

(h) to encourage a dialogue between the Committee and interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures;

¶11. Requests the Secretary-General to establish, within 30 days of the adoption of this resolution, in consultation with the Committee, for a period of twelve months a Panel of Experts comprised of four members with the range of expertise necessary to fulfill the Panel's mandate described in this paragraph, to operate under the direction of the Committee to undertake the following tasks:

(a) to assist the Committee in monitoring implementation of the measures in paragraphs 4, 5 and 7 of this resolution, and to make recommendations to the Committee on actions the Council may want to consider; and

(b) to provide a mid-term briefing on its work to the Committee, and an interim report no later than 90 days after adoption of this resolution, and a final report no later than 30 days prior to the termination of its mandate to the Council through the Committee with its finding and recommendations;

¶12. Expresses its readiness to review the measures imposed in paragraphs 4, 5, and 7 of this resolution in 12 months following the date of adoption of this resolution or sooner if before such time as a political settlement is agreed to by all stakeholders and respects the will of the Zimbabwean people as expressed in the results of the March 29, 2008 elections;

¶13. Requests the Secretary-General to submit a report to the Council regarding the situation in Zimbabwe, whether the Government of Zimbabwe has complied with the demands in paragraph 2 above, and what additional measures may contribute to improving the security, humanitarian, and human rights situation in Zimbabwe;

¶14. Decides that all States shall report to the Committee established by the Council within 90 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively the measures imposed in paragraphs 4, 5 and 7 above;

¶15. Decides to remain seized of the matter.

Annex

¶1. Mugabe, Robert
(Member/Head of Government responsible for activities that seriously undermine democracy, repress human rights and disrespect the rule of law)

¶2. Chiwenga, Constantine
(Member of security forces who directed repressive state policy and has violated human rights)

¶3. Mnangagwa, Emmerson
(Member of Government responsible for activities that seriously undermine democracy, repress human rights and disrespect the rule of law)

¶4. Gono, Gideon
(Reserve Bank Governor who is responsible for funding repressive state policies)

¶5. Chihuri, Augustine

(Member of security forces who bears wide responsibility for serious violations of the freedom of peaceful assembly)

¶6. Chinamasa, Patrick

(Member of Government responsible for activities that seriously undermine democracy, repress human rights and disrespect the rule of law)

¶7. Shiri, Perence

(Member of security forces complicit in forming or directing oppressive state policy)

¶8. Parirenyatwa, David

(Member of Government responsible for activities that seriously undermine democracy, repress human rights and

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disrespect the rule of law)

¶9. Mutasa, Didymus

(Member of Government responsible for activities that seriously undermine democracy, repress human rights and disrespect the rule of law)

¶10. Charamba, George

(Member of Government complicit in forming or directing oppressive state policy)

¶11. Zimondi, Paradzi

(Member of security forces complicit in forming oppressive state policy)

¶12. Bonyongwe, Happyton

(Member of security forces complicit in forming or directing oppressive state policy)

¶15. Tripoli minimize considered.

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